



General Assembly

**Amendment**

February Session, 2006

LCO No. 4975

\*SB0041004975SD0\*

Offered by:

SEN. CRISCO, 17<sup>th</sup> Dist.

REP. O'CONNOR, 35<sup>th</sup> Dist.

SEN. MCDONALD, 27<sup>th</sup> Dist.

REP. LAWLOR, 99<sup>th</sup> Dist.

To: Senate Bill No. 410

File No. 233

Cal. No. 195

**"AN ACT INCREASING THE FINANCIAL RESPONSIBILITY LIMITS  
FOR MOTOR VEHICLE OPERATORS."**

1 Strike lines 1 to 191, inclusive, in their entirety and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2006*) (a) An insured, when  
4 making a claim for uninsured or underinsured motorist benefits, shall  
5 make reasonable efforts to establish what liability coverage there is for  
6 the owner and operator of an alleged uninsured or underinsured  
7 vehicle.

8 (b) For any motor vehicle accident occurring on or after October 1,  
9 2006, no insurer may require its insured, as a condition of eligibility for  
10 payment of uninsured motorist benefits, to provide affidavits or  
11 written statements from the owner or operator of the alleged  
12 uninsured vehicle attesting to the fact that the individual did not

13 maintain any liability coverage at the time of the motor vehicle  
14 accident.

15 (c) For any motor vehicle accident occurring on or after October 1,  
16 2006, no insurer may require its insured, as a condition of eligibility for  
17 payment of underinsured motorist benefits, to provide affidavits or  
18 written statements from the owner or operator of the alleged  
19 underinsured vehicle attesting to the lack of any additional bodily  
20 injury liability bonds or insurance applicable at the time of the motor  
21 vehicle accident.

22 (d) Nothing in this section shall relieve any person seeking to secure  
23 any coverage under an automobile insurance policy of any duty or  
24 obligation imposed by contract or law.

25 Sec. 2. (NEW) (*Effective July 1, 2006*) (a) Notwithstanding the  
26 requirements of sections 38a-389 and 38a-688 of the general statutes  
27 with respect to personal risk insurance with the exception of residual  
28 market rates, and on and after July 1, 2006, and until July 1, 2009, an  
29 insurer may file a rate with the Insurance Commissioner pursuant to  
30 this section and such rate shall take effect the date it is filed provided  
31 the rate provides for an overall state-wide rate increase or decrease of  
32 not more than six per cent in the aggregate for all coverages that are  
33 subject to the filing. The six per cent limit shall not apply on an  
34 individual insured basis. Not more than one filing may be made by an  
35 insurer pursuant to this section within any twelve-month period  
36 unless the filing, when combined with one or more filings made by the  
37 insurer within the preceding twelve months, does not result in an  
38 overall state-wide increase or decrease of more than six per cent in the  
39 aggregate for all coverages that are subject to the filing.

40 (b) A filing that does not meet the criteria set forth in subsection (a)  
41 of this section shall be subject to sections 38a-389 and 38a-688 of the  
42 general statutes unless the filing is otherwise exempt from said  
43 sections.

44 (c) A filing submitted pursuant to subsection (a) of this section shall

45 be deemed to comply with the requirements of chapter 701 of the  
46 general statutes, except that the commissioner shall have the authority  
47 to determine whether the filing is inadequate or unfairly  
48 discriminatory. In the event the commissioner determines that the  
49 filing is inadequate or unfairly discriminatory, the commissioner shall  
50 issue a written order specifying in detail the reasons why the filing is  
51 inadequate or unfairly discriminatory. The order shall indicate a future  
52 date on which the filing shall no longer be effective. An order by the  
53 commissioner pursuant to this subsection that is issued more than  
54 thirty days after the date the rate is filed with the commissioner shall  
55 be prospective only and shall not affect any contract issued or made  
56 before the effective date of the order.

57 (d) No rate increase that meets the criteria set forth in subsection (a)  
58 of this section may be implemented with respect to an individual  
59 policy in effect on the date of the filing unless the increase is applicable  
60 no earlier than the date of policy renewal and the insurer provides  
61 notice of the increase to the insured pursuant to section 38a-323 of the  
62 general statutes."